

1 RODGER R. COLE (CSB No. 178865)
2 rcole@fenwick.com
3 FENWICK & WEST LLP
4 Silicon Valley Center
5 801 California Street
6 Mountain View, CA 94041
7 Telephone: 650.988.8500
8 Facsimile: 650.938.5200

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Attorneys for Defendant Superfish, Inc.

Additional counsel listed on signature page

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DAVID HUNTER, individually, and on
behalf of all others similarly situated,

Plaintiff,

v.

LENOVO (UNITED STATES), INC., a
Delaware corporation, and SUPERFISH, INC., a
Delaware corporation,

Defendants.

Case No.: 5:15-cv-00819-TO Y

**STIPULATION FOR CONTINUANCE
OF TIME FOR DEFENDANTS TO
RESPOND TO COMPLAINT AND
[] ORDER**

1 WHEREAS the above-referenced Plaintiff filed the above-captioned case;
2 WHEREAS 21 other complaints have been filed to-date in federal district courts
3 throughout the United States by Plaintiffs purporting to bring consumer class actions on behalf of
4 purchasers of computers manufactured by Defendant Lenovo (United States), Inc. (“Lenovo”)
5 containing software manufactured by Defendant Superfish, Inc. (“Superfish”) (collectively,
6 including the above-captioned matter, the “*In re Lenovo Adware Litig.* cases”);

7 WHEREAS a motion is pending before the Judicial Panel on Multidistrict Litigation
8 (“JPML”) to transfer the *In re Lenovo Adware Litig.* cases for coordinated and consolidated
9 pretrial proceedings pursuant to 28 U.S.C. Sec. 1407 (“MDL Motion”), and has not yet been set
10 for hearing before the JPML;

11 WHEREAS the MDL Motion is not on the docket for the JPML’s upcoming hearing
12 session, scheduled for March 26, 2015, and the next hearing session is scheduled for May 28,
13 2015;

14 WHEREAS the parties anticipate that one or more consolidated complaints will be filed
15 following transfer and consolidation of the *In re Lenovo Adware Litig.* cases;

16 WHEREAS Plaintiff and Defendants Superfish and Lenovo have agreed that an orderly
17 schedule for any response to the pleadings in the *In re Lenovo Adware Litig.* cases would be more
18 efficient for the parties and for the Court;

19 WHEREAS Plaintiff agrees that the deadline for Defendants Superfish and Lenovo to
20 answer, move, or otherwise respond to his complaint shall be extended until forty-five days after
21 the JPML issues an order deciding the MDL Motion, or as otherwise ordered by the MDL
22 transferee Court if the MDL Motion is granted;

23 WHEREAS Plaintiff and Defendants agree that preservation of evidence in the case is
24 vital, that Defendants have received litigation hold letters, that they are complying with and will
25 continue to comply with all of their evidence preservation obligations under governing law;

26 WHEREAS, in light of the pending MDL Motion, the parties have agreed that the parties’
27 obligations under Federal Rules of Civil Procedure 16 and 26(f) and any other pending deadlines
28 shall be stayed until further order from the Court or the MDL transferee Court if the MDL Motion

1 is granted;

2 WHEREAS this Stipulation does not constitute a waiver by the parties of any of their
3 respective claims, defenses or any other rights or positions they may have with respect to the
4 same, including, with respect to Defendants, the defenses of lack of personal jurisdiction, lack of
5 subject matter jurisdiction, improper venue, sufficiency of process or service of process;

6 Now, therefore, pursuant to Local Rule 7-12, Plaintiff and Defendants, by and through
7 their respective counsel of record, hereby stipulate as follows:

8 1. The deadline for Defendants Superfish and Lenovo to answer, move, or otherwise
9 respond to the complaint shall be extended until forty-five days after the JPML issues an order
10 deciding the MDL Motion, or as otherwise ordered by the MDL transferee Court if the MDL
11 Motion is granted;

12 2. The parties' obligations under Federal Rules of Civil Procedure 16 and 26(f) and
13 any other pending deadlines—whether set by the Local Rules of this District, the Federal Rules of
14 Civil Procedure, an order of this Court, or otherwise—shall be stayed until further order from the
15 Court or the MDL transferee Court if the MDL Motion is granted.

16 3. This Stipulation does not constitute a waiver by the parties of any of their
17 respective claims, defenses or any other rights or positions they may have with respect to the
18 same, including, with respect to Defendants, the defenses of lack of personal jurisdiction, lack of
19 subject matter jurisdiction, improper venue, sufficiency of process, or service of process.

20 4. The parties agree that they are complying with and will continue to comply with
21 all evidentiary preservation obligations under governing law.

22 5. Nothing herein precludes any of the parties from moving to lift the stay prior to the
23 extended deadlines requested herein.

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1 Dated: March 19, 2015

By: /s/ Rodger R. Cole

2 Rodger R. Cole (CSB No. 178865)
3 rcole@fenwick.com
4 FENWICK & WEST LLP
5 801 California Street
6 Mountain View, CA 94041
7 Ph: (650) 988-8500
8 Fax: (650) 938-5200

9
10 *Attorneys for Defendant Superfish, Inc.*

11 By: /s/ Rafe S. Balabanian

12 Rafe S. Balabanian (*PRO HAC VICE*)
13 rbalabanian@edelson.com
14 Benjamin H. Richman (*PRO HAC VICE*)
15 brichman@edelson.com
16 J. Dominick Larry (*PRO HAC VICE*)
17 nlarry@edelson.com
18 EDELSON PC
19 350 North LaSalle Street, Suite 1300
20 Chicago, Illinois 60654
21 Tel: 312.589.6370
22 Fax: 312.589.6378

23 Samuel M. Lasser (SBN – 252754)
24 slasser@edelson.com
25 EDELSON PC
26 1934 Divisadero Street
27 San Francisco, California 94115
28 Tel: 415.994.9930
Fax: 415.776.8047

29 *Attorneys for Plaintiff David Hunter*

30 By: /s/ Daniel J. Stephenson

31 Daniel J. Stephenson
32 DYKEMA GOSSETT LLP
33 333 South Grand Avenue, Suite 2100
34 Los Angeles, CA 90071
35 Phone: (213) 457-1800
36 Fax: (213) 457-1850
37 dstephenson@dykema.com

38 *Attorneys for Defendant Lenovo (United States), Inc.*

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.
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Dated: 10 07 15

Ronald M. Whyte

4 Honorable Tqpcif 'O 0Y j {vg
United States F kntkev Judge
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FENWICK & WEST LLP
ATTORNEYS AT LAW
MOUNTAIN VIEW